

California Regional Water Quality Control Board
North Coast Region

CEASE AND DESIST ORDER NO. R1-2006-0073

REQUIRING THE PACIFIC LUMBER COMPANY (PALCO)
TO CEASE AND DESIST FROM DISCHARGING AND THREATENING
TO DISCHARGE WASTE IN VIOLATION OF
WASTE DISCHARGE REQUIREMENTS ORDER NO. R1-2006-0020
NPDES PERMIT NO. CA0006017
WDID NO. 1B83104OHUM

Humboldt County

The California Regional Water Quality Control Board, North Coast Region (hereinafter Regional Water Board) finds that:

1. The Pacific Lumber Company (PALCO) (hereinafter Discharger) owns and operates a municipal wastewater treatment facility (WWTF) located in the Town of Scotia adjacent to the Eel River. The WWTF serves the Town of Scotia. The treatment system consists of screening, grinding, and grit removal, a primary clarifier, a redwood trickling filter, a secondary clarifier, a chlorine contact chamber, three treatment/polishing ponds, and a sludge digester. Wastewater from the WWTF discharges at Discharge Point 012B.
2. The WWTF is regulated by Waste Discharge Requirements Order No. R1-2006-0020 NPDES Permit No. CA0006017, WDID No. 1B83104HUM, adopted by the Regional Water Board on June 29, 2006. The Regional Board, using best professional judgment, has determined that it is appropriate to apply secondary treatment standards for publicly owned treatment works to this facility. Effluent limitations for 85 percent removal of BOD (5-day 20°C) and total suspended solids will be applied for the first time at this facility under Order No. R1-2006-0020. Order No. R1-2006-0020 goes into effect on September 30, 2006.
3. In anticipation of the new effluent limitations the Discharger collected supplemental monitoring data for nearly a year and a half, which shows that the WWTF may not consistently be able to achieve the new 85% removal effluent limitation upon effect of Order No. R1-2006-0020.
4. The portions of Order No. R1-2006-0020, contains Effluent Limitation No. A.2.d, which provides as follows:
 - A. Final Effluent Limitations
 2. Final Effluent Limitations – Discharge Point 012(A/B)
 - d. Percent Removal: The average monthly percent removal of BOD (5-day 20°C) and total suspended solids shall not be less than 85 percent as measured at Monitoring Location 012(B). Percent removal shall be determined from the

monthly average value of influent wastewater concentration in comparison to the monthly average value of effluent concentration for the same constituent over the same time period. (CFR 133.101(j)).”

5. Supplemental monitoring reports show that excursions below the new 85% removal effluent limitation can be expected under the current operating conditions. The table below summarizes data compiled from fifteen supplemental monitoring reports submitted between February 2005 and April 2006:

<u>Parameter</u>	<u>Number of Times Criteria Exceeded</u>
85% Removal BOD ₅	6
85% Removal Suspended Solids	9

6. Section 13301 of the Water Code provides in part: “When the Regional Board finds that a discharge of waste is taking place, or threatening to take place, in violation of requirements...the board may issue an order to cease and desist and direct that those persons not complying with the requirements...(a) comply forthwith, (b) comply in accordance with a time schedule set by the board, or (c) in the event of a threatened violation, take appropriate remedial action.”
7. This Order provides a time schedule to the Discharger for further investigation, monitoring, and facility upgrades that are needed for the WWTF to achieve acceptable treatment levels. Necessary upgrades are likely to take an extended time period for completion. Upgrades will likely entail evaluating system components, securing funding, planning, design and construction.
8. Water Code section 13385, subdivision (h) and (i) require the Regional Board to impose mandatory minimum penalties upon dischargers that violate certain effluent limitations. Water Code section 13385, subdivision (j)(3), exempts the discharge from mandatory minimum penalties “where the waste discharge is in compliance with either a cease and desist order issued pursuant to Section 13301 or a time schedule order issued pursuant to Section 13300....”
9. In accordance with Water Code section 13385(j)(iii), the Regional Board finds that the Discharger may not be able to consistently comply with the newly imposed effluent limitations for BOD or suspended solids percent removal. These limitations are new, more stringent requirements that became applicable to the waste discharge after the effective date of the waste discharge requirements and after July 1, 2000, for which new or modified control measures are necessary in order to comply with the limitation, and the new or modified control measures cannot be designed, installed, and put into operation within 30 calendar days.
10. Compliance with this Order exempts the Discharger from mandatory penalties for violations of the BOD and suspended solids percent removal limitations. California

Water Code section 13385, subdivision (j)(3)(D) requires the Discharger to prepare and implement a pollution prevention plan pursuant to Water Code section 13263.3. Tasks A through E of this Order summarily require development of the necessary pollution prevention plan.

11. This Order includes interim requirements and dates for their achievement. This time schedule does not exceed five years.
12. Pursuant to title 14, California Code of Regulations, section 15321, adoption of a cease and desist Order is an enforcement action for the protection of the environment and as such is exempt from the requirements of the California Environmental Quality Act.
13. On September 20, 2006, after due notice to the discharger and all other affected persons, the Regional Water Board conducted a public hearing and received evidence regarding this cease and desist order.
14. Pursuant to Water Code section 13320, any persons aggrieved by this action may petition the State Water Resources Control Board for review. The petition must be received by the State Water Board, Office of Chief Counsel, P.O. Box 100, Sacramento, CA 95812-0100, within 30 days from the date the action was taken.

THEREFORE, IT IS HEREBY ORDERED that PALCO, its agents, successors and assigns, shall comply with the following in order to achieve long-term compliance with Waste Discharge Requirements, Order No. R1-2006-0020 and any succeeding permit:

1. Develop and implement a pollution prevention plan in accordance with the following Tasks:

Task A Monitoring and assessment of WWTF water quality from October 1, 2006 through September 30, 2007.

Task B Submit monitoring report and compliance assessment by October 15, 2007. The monitoring report and compliance assessment shall identify the status and functional capabilities of each component of the WWTF including, but not limited to the collection system, pumps, disinfection system, clarifiers, trickling filters, digester, and treatment ponds. The report shall further provide general recommendations for facilities planning and improvements.

Task C Conduct and complete facilities planning between October 15, 2007 and October 15, 2008. No later than October 15, 2008, submit for Executive Officer concurrence, a complete WWTF plan which identifies specific WWTF upgrades necessary to achieve full compliance with R1-2006-0020, associated costs, and a proposed time schedule for implementation.

Task D Submit annual monitoring and facilities improvement status report by October 15 each year until full compliance is achieved with this Order.

Task E Achieve full compliance with Final Effluent Limitations at Discharge No. 012 by August 1, 2011.

2. During the time period described above, the Discharger shall operate and maintain, as efficiently as possible, all facilities and systems necessary to comply with **A. Final Effluent Limitations 2.d.** to the maximum extent practicable.
3. If the Executive Officer of the Regional Board finds that the Discharger fails to comply with the provisions of this Order, the Executive Officer may refer this matter to the Attorney General for judicial enforcement or may issue a complaint for administrative civil liability.
4. Failure to comply with this Order may result in the assessment of administrative civil liability pursuant to Water Code sections 13350 and 13385. The Regional Board reserves its right to take any enforcement actions authorized by law.

Certification

I, Catherine E. Kuhlman, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, North Coast Region, on September 20, 2006.

Catherine E. Kuhlman
Executive Officer